

All correspondence referring to announcements and subscription of Government Gazette must be addressed to its administration office. Literary publications will be advertised free of charge provided two copies are offered.

Toda a correspondência relativa a anúncios e à assinatura do *Boletim Oficial* deve ser dirigida à Administração da Imprensa Nacional. As publicações literárias de que se receberem dois exemplares anunciam-se gratuitamente.



SUBSCRIPTION RATES — ASSINATURA			
	YEARLY (Annual)	HALF-YEARLY (Semestral)	QUARTERLY (Trimestral)
All 3 series (As 3 series)	Rs. 40/-	Rs. 24/-	Rs. 18/-
I Series	Rs. 20/-	Rs. 12/-	Rs. 9/-
II Series	Rs. 16/-	Rs. 10/-	Rs. 8/-
III Series	Rs. 20/-	Rs. 12/-	Rs. 9/-

Postage is to be added when delivered by mail —
Acréscio o porte quando remetido pelo correio

GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Notification

The following orders of Government of India, Ministry of Food and Agriculture, Department of Food, nos. G. S. R. 498, and G. S. R. 626, are hereby republished for the information of all concerned.

By order and in the name of the Administrator
of the Union Territory of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

Panjim, 31st May, 1965.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Food)

Notification

New Delhi, the 29th March, 1965
8th Chaitra, 1887

No. G. S. R. 498. — In exercise of the powers conferred by sub-rule (2) of rule 125 of the Defence of India Rules, 1962, the Central Government hereby makes the following Order further to amend the Sugar (Control) Order, 1963, namely:—

1. This Order may be called the Sugar (Control) Amendment Order, 1965.

2. In the Sugar (Control) Order, 1963, for clause 8, the following clause shall be substituted, namely:—

«8. Power to issue directions to supply sugar. —

(1) The Central Government or the Chief Director may, from time to time, by order, issue directions to any producer or recognised dealer to supply sugar of such type or grade, and in such quantities —

(a) to such persons or organisations,
in such areas or markets; or

(b) to such State Governments, as may be specified in the Order and at a price not exceeding the price or the maximum price fixed under clause 6.

(2) Where any direction is issued to any producer or recognised dealer under sub-clause (1) for the supply of sugar to any State Government, that State Government may either arrange to take delivery of the sugar by itself or nominate any person, organisation or authority to take delivery of the sugar.

Explanation. — In this clause «State Government» in relation to a Union Territory means the administrator thereof.

[No. 1(1)/63-S. Py.]

K. L. PASRICHA

Joint Secretary to the Government of India

Order

New Delhi, the 12th April, 1965
22nd Chaitra 1877

G. S. R. 626. — In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, further to amend the Sugar (Control) Order, 1955, namely:—

1. This Order may be called the Sugar (Control) Amendment Order, 1965.

2. In clause 4 of the Sugar (Control) Order, 1955, for the existing proviso the following proviso shall be substituted, namely:—

«Provided that nothing in this clause shall apply to the transport of sugar not exceeding 1 kilogram as part of the personal luggage of a bonafide traveller».

[No. 1(11)/64-65-S. Py.]

K. L. PASRICHA

Joint Secretary to the Government of India

Home Department

Notification

HD-25-4057/65

The following draft amendments which are proposed to be made in Goa, Daman and Diu Motor Vehicles Rules, 1965, in exercise of the powers conferred by section 21, 41, 65, 67, 68, 70, and 91 of the Motor Vehicles, Act, 1939, are published for the information of persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration on or after the 22nd June 1965, together with any objections or suggestions that may be received in respect thereto before the date specified.

Draft Amendment

1. Short title: These Rules may be called the Goa, Daman and Diu Motor Vehicles (1st Amendment) Rules, 1965.
2. Amendment of sub-rule (3) of rule 4.47. In sub-rule (3) of rule 4.47, the words «not less than one year and not more than» shall be deleted.
3. Amendment of sub-rule (8) of rule 4.47. In sub-rule (8) of rule 4.47 for the words «one rupee for a period of one year for which the licence is granted or renewed» the words «one half of that fixed for a driver's licence», shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. K. Mainkar, Under Secretary, Home Department.
Panjim, 27th May, 1965.

Law Department

L. D. no. 685/65

In exercise of the powers conferred by clause (5) of section 59 of the Prisons Act, 1894 (IX of 1894) the Lieutenant Governor, Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Prisons (Remission) Rules, 1965.

(2) They shall come into force on the 1st. day of June, 1965.

2. **Definitions.**— In this chapter, unless the context requires otherwise:—

- (a) «Act» means the Prisons Act, 1894;
- (b) «prescribed standards» means the standards which in relation to different kinds of work entrusted to prisoners are considered adequate by the Jailor in charge of such work;
- (c) «prisoner» means a convicted criminal prisoner as defined in clause (3) of section 3 of the Prisons Act, 1894;
- (d) «sentence» means a sentence of imprisonment as finally passed on appeal or revision or otherwise, and includes an aggregate of more sentences than one, and an order of committal to prison in default of furnishing security to keep the peace or be of good behaviour and a sentence awarded by any Military Court.

3. **Remission a concession and not right.**— Subject to the provisions of these rules, remission may be granted as hereinafter provided as a matter of concession only and not as of right.

4. **Kinds of remissions.**— Remission may be of the following kinds, that is to say, —

- (a) Ordinary remission;
- (b) Annual Good Conduct Remission;
- (c) Special remission;
- (d) State remission.

5. **Authority to grant ordinary remission.**— (1) The Superintendent shall be the authority to grant ordinary remission under these rules.

(2) The grant of remission shall be made every month by the authority mentioned in sub-rule (1).

6. **Prisoners eligible for ordinary remission.**— Subject to the provisions of these rules, ordinary remission at the scales prescribed in rule 8 may be granted to the following classes of prisoners, that is to say —

(a) non-habitual prisoners having a substantive sentence of rigorous imprisonment of two months and more;

Explanation.— For the purpose of ascertaining whether or not a prisoner is a habitual, the entries in court papers shall ordinarily be treated as standard reference;

(b) prisoners sentenced to simple imprisonment of one month and more who volunteer to work and actually work;

(c) prisoners working on conservancy jobs irrespective of their length of sentence;

(d) prisoners undergoing imprisonment in lieu of fine which immediately follows and is in continuation of the sentence which makes the prisoner otherwise eligible to remission;

(e) ex-military prisoners for the period they pass while in transit or in military custody before their admission to prisons in the State of Goa, Daman and Diu.

7. **Non-eligibility for ordinary remission.**— Ordinary remission may not be granted to the prisoner —

(a) where any sentence passed against him in default of payment of fine is not annexed to a term of substantive sentence for which the prisoner is otherwise eligible for remission;

(b) if the term of sentence or the aggregate of sentences passed against him is reduced on appeal or otherwise to a period of less than two months;

(c) in whose case, the State Government has ordered that remission should not be granted;

(d) (i) who, due to self-inflicted injuries, is detained in a hospital as indoor patient, or

(ii) who has resorted to hunger-strike or work-strike, for such periods as may be decided by the Superintendent;

(e) during out-periods which are not reckoned as part of sentence (being periods during bail, parole, extradition and other periods which are treated as out-periods and not reckoned as part of sentence under specific orders of the State Government issued in that behalf).

8. **Scale of ordinary remission.**— (1) Subject to the provisions of these rules (including this rule), ordinary remission may be granted to the prisoners mentioned in column 1 of the Table below (being prisoners who are eligible for remission under rule

6) for the number of days not exceeding those shown against them in column 2 thereof: —

TABLE

Category of prisoners 1	Scale of remission 2.
(a) Convict overseers	(i) 4 days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes and the like; and (ii) 5 days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
(b) Night Watchmen	(i) 13 days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes and the like; and (ii) 5 days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
(c) Other prisoners	(i) 3 days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes and the like; and (ii) 4 days per month, for performing the allotted work in accordance with the prescribed standards.
(d) Prisoners working conservancy jobs	Three days per month, being a remission, in addition to the remission earned under clause (c).

(2) Where a prisoner eligible for remission under rule 6 is unable, for reasons beyond his control (such as, court attendance or transit from one prison to another), to participate in the institutional activities during any month or if no work is allotted to him in any month, he may, if his conduct during that month was good, be granted remission at the scale earned by him during the month immediately preceding such month.

(3) Unless otherwise directed by the Inspector General a prisoner may be granted ordinary remission for the month in which he is released on furlough at the scale earned by him during the month immediately before his release on furlough.

(4) Remission at the scale prescribed in clause (c) sub-rule (1) may be granted to a prisoner who is eligible for remission under rule 6, if —

(a) the inability referred to in sub-rule (2), arises soon after his admission into the prison, or

(b) if a Medical Officer has duly certified that the prisoner being a bona fide indoor patient in a hospital or being convalescent, invalid or infirm, was unable to perform the allotted work in accordance with the prescribed standards during the month.

(5) Where a prisoner has been punished during any month then if he is punished for bad conduct or for any violation in relation to his work which in the opinion of the Superintendent was a minor one, the monthly remission for good conduct or for work shall be reduced up to three days; but if the misconduct or any such violation in the opinion of the Superintendent was of a serious nature the prisoner shall not be entitled to any remission for good con-

duct, or as the case may be, for work, for that month. The Superintendent shall record his reasons in writing for deciding misconduct or violation in relation to work as of a minor or serious nature.

9. Procedure of calculating ordinary remission. —

(1) Subject to the provisions of these rules (including this rule), ordinary remission shall be calculated from the first day of the calendar month if a prisoner was sentenced on that day, and in any other case, from the first day of the calendar month next following the date of his sentence.

Explanation. — For the purpose of sub-rule (1), all out-periods, that is to say, release on furlough or transfer from one prison to another (which are reckoned as part of sentence) shall not be treated as broken periods.

(2) In the case of prisoners falling under clause (f) of rule 7, they may be eligible for remission from the first day of the calendar month next following the date of their readmission into the prison.

(3) No prisoner shall be granted ordinary remission for the month in which he is released.

(4) In the case of a prisoner, transferred from a sub-jail to a prison, the period spent by him in the sub-jail (excluding the period spent as an undertrial prisoner) shall be computed along with the period spent by him in the prison for calculating remission.

(5) If a prisoner is undergoing two consecutive sentences one of which is for a term of two months or more, and one of the sentences is remitted on appeal or otherwise, and the other sentence is not less than two months any remission granted to him in respect of the sentence so remitted shall be taken into consideration for shortening his consecutive sentence.

10. Ordinary remission in case of habitual prisoners. — (1) A habitual prisoner shall not be entitled to any ordinary remission during the period of two months commencing on the date of his first admission into the prison.

(2) The Jailor shall, in the first week of the third month from the admission of such prisoners into the prison, forward a report to the Superintendent of the prison about the conduct and work of each prisoner. The Superintendent shall decide upon the prisoners and the month from which they should be made eligible for the remission system provided by these rules. The Superintendent shall cause a list of such prisoners to be maintained and kept in the prison.

(3) The prisoners specified in the list maintained under sub-rule (2) may be granted ordinary remission —

(a) of two days per month for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes, and

(b) of two days per month, for performing the allotted work in accordance with the prescribed standards.

Explanation. — For the purpose of this rule, prisoners, initially classified as casuals are subsequently classified as habituals, shall be governed by the provisions of this rule, from the date the order is received, by the Superintendent.

11. Granting of annual good conduct remission. — Where any prisoner eligible for ordinary remission has not committed any prison offence for a period of one year (excluding the period during which the

prisoner is removed from the remission system), reckoned from the date of his sentence, or as the case may be, from the date on which he was last punished for a prison offence, he may be granted thirty days annual good conduct remission, in addition to any other remission.

Example. — A prisoner sentenced and admitted to a prison on 2nd August 1963, was removed from remission system for a period of three months from 6th December 1963. He will not be eligible for annual good conduct remission on 6th December 1964 but on 6th March 1965.

12. Authorities to grant special remission. — The Superintendent and the Inspector General shall be the authorities to grant special remission under these rules.

13. Grant of special remission. — Special remission at the scale prescribed in rule 15 may be granted to prisoners: —

(a) for saving the life of a Government employee or prison visitor or inmate;

(b) for protecting Government employee or prison visitor or inmate from attack;

(c) for preventing or assisting in preventing escape of a prisoner or apprehending a prisoner attempting to escape or intimating the attempted escape of a prisoner;

(d) for assisting prison officers in emergencies like fire, or outbreak of a riot, strike or other like eventuality;

(e) for assisting in preventing or detecting serious breach of prison regulations;

(f) for marked diligence and success in imparting education and in teaching arts and crafts;

(g) for outstanding contribution or performance in cultural activities that is to say, drama, music, sports and the like in the prison;

(h) for consistent good work in the prison industries, or agriculture, or in important prison services; or

(i) for any other sufficient cause.

14. Scale of special remission. — Subject to the provision of rule 16, the Superintendent may grant special remission to any prisoner not exceeding 60 days in a year; and the Inspector General may grant special remission upto 120 days in a year.

Explanation. — For the purpose of this rule, year shall be reckoned from the date of sentence and any fraction of a year shall be reckoned as complete year.

15. Mode of granting special remission. — (1) Each Jailor shall, regard being had to the provisions of rule 14, recommend prisoners in his charge for remission to the Superintendent.

(2) The Superintendent in consultation with the Deputy Superintendent, if any, the Jailor, and the person in charge of any factory or industry run with the assistance of prisoners shall meet once in a quarter or earlier if required so to do by the Superintendent, to consider grant of special remission to prisoners; and the Superintendent may grant such special remission in accordance with the scale provided by rule 14 as he thinks fit.

(3) Where the Superintendent, after considering the recommendations submitted to him under sub-rule (1) or after consulting the officers aforesaid, is of opinion that a prisoner should be granted remission exceeding 60 days, he shall make a recommendation in that behalf to the Inspector General.

(4) The Inspector General shall pass orders on all cases of remission submitted to him under sub-rule (3).

16. State remission. — The Lieutenant Governor may, on such occasions of national importance or public rejoicing as he may determine, grant remission to such prisoners for such number of days as he may, by order, specify in this behalf.

17. Total of ordinary and special remission not to exceed one-third of sentence. — (1) The aggregate of the ordinary and special remissions granted to a prisoner shall not without the special sanction of Inspector General exceed one-third of the sentence.

(2) Nothing in sub-rule (1) shall apply to prisoners sentenced to imprisonment for life.

18. Maintenance of record of remissions. — (1) The Superintendent shall cause a remission sheet and a remission register to be maintained in the prison in which, he shall cause entries about grant and cancellations, if any, of remissions to be made in accordance with the provisions of this rule.

(2) The Jailor or officer in charge of Jail shall, on or before the last day of every month send to the Superintendent a report in respect of every prisoner who does not deserve ordinary remission for that month and a report in respect of every prisoner who deserves special remission. After taking into consideration the recommendations of the Jailor or officer in charge of Jail contained in the report, the Superintendent shall pass orders granting or refusing to grant the relevant remission in respect of each prisoner specified in the report.

(3) The Jailor shall then enter in the remission sheet the remission earned by each prisoner in terms of the orders passed under sub-rule (2); and such entries shall be attested by the Superintendent after due verification. The Jailor or officer in charge of Jail shall report every month that the remission record in respect of each prisoner in the remission sheet has been maintained up to date.

(4) The Jailor of the prison shall before the 15th day of January and 15th day of July every year, ledger these entries from the remission sheet in the remission register.

(5) The Superintendent or any officer authorized by him in his behalf may cause every prisoner to be informed not later than 15th day of February and 15th day of August, every year, of the remission granted to him during the period of six months immediately preceding the 1st day of January and 1st day of July and the total remission standing to his credit on these latter days:

Provided that remission record shall be kept confidential, and no prisoner shall be entitled to have access thereto.

19. Report of special remission. — (1) The Superintendent shall, on or before the 15th of June and of December, each year, forward to the Inspector General a list of prisoners who are granted special remission by him and the Inspector General during the six months immediately preceding the said dates.

20. Cancellation of remission. — (1) Where a prisoner escapes from legal custody, the total remission earned by him up to the date of his escape shall stand cancelled.

(2) Where a prisoner attempts to escape from legal custody or plans or abets escape, the Super-

intendent shall pass such orders thereon as the circumstances of the case may require.

(3) Where a prisoner, after his admission into the prison, is convicted of an offence under section 147, 148, 152, 224, 302, 304, 304A, 306, 307, 308, 323, 324, 325, 326, 327, 332, 333, 352, 353 or 377 of the Indian Penal Code, the Superintendent shall cancel any remission earned by such prisoner.

21. Power of Superintendent to cancel or for remissions by way of punishment.—Subject to the provisions of rule 20, a Superintendent may punish any prison-offence under section 46 of the Act by—

(a) revoking any ordinary or special remission for a period not exceeding 60 days, or

(b) removing any prisoner from the remission system for a period not exceeding one year:

Provided that where the Superintendent is of opinion that higher punishment by way of forfeiture of remission or removal from the remission system is necessary in the case of any prisoner, he may, with the previous sanction of the Inspector General, award such higher punishment (including permanent removal from the remission system).

22. Removal and restoration to remission system.—

(1) Where a prisoner is temporarily removed from the remission system under rule 21, the order of temporary removal shall state specific period for which the prisoner has been so removed from the remission system.

(2) The Superintendent may, with the previous sanction of the Inspector General, re-admit to the remission system any prisoner, who has been permanently removed therefrom under rule 21 if his conduct in prison justifies it subsequently:—

Provided that where, after the order of permanent removal from the remission system is made, the prisoner is transferred to another prison, the Superintendent of the prison, where the prisoner is transferred, shall submit his recommendation for restoring him to the benefits of remission system, to the Inspector General through the Superintendent who removed him from the remission system and such prisoner may be made eligible for remission from the commencement of the month next following the month of his re-admission to the remission system.

23. Transfer of prisoners of the remission system.—

When the prisoners on the remission system are transferred to other prisons, the remission sheets, duly checked and attested by the Jailor, shall be sent to the prison where the prisoner has been transferred.

24. Power of Inspector General to revoke remission.—The Inspector General may, at any time, call for the record of the case regarding remissions granted to a prisoner and if it or he is satisfied that any prisoner was granted remission without sufficient reasons, by order, revoke, in whole or in part, any ordinary or special remission granted to such prisoner or remove him from the remission system for the period specified in the order.

25. Notwithstanding anything contained in the foregoing provisions, —

(a) For the first remission to be granted to any prisoner after the coming into force of these rules, any term of imprisonment undergone by that prisoner after the 1st of February, 1964 and the conduct

of the prisoner during that term, shall also be taken into account in commutting the period of remission; and

(b) For a period of 2 years from the coming into force of these rules, no order of remission shall be passed by the Superintendent of any jail except after previous approval by the Inspector General of a proposal made in that behalf.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. Balakrishnan, Law Secretary.

Panjim, 1st June, 1965.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/2377/65

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 4th June, 1965, and is hereby published for general information.

The Goa, Daman and Diu Khadi and Village Industries Board Act, 1965

(No. 9 of 1965) [4th June, 1965]

An Act to provide for the constitution establishment and incorporation of a Khadi and Village Industries Board in the Union Territory of Goa, Daman and Diu and for certain matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth Year of the Republic of India as follows:

CHAPTER I

Preliminary

1. Short title extent and commencement.—(1) This Act may be called the Goa, Daman and Diu Khadi and Village Industries Board Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as Government may, by notification in the Official Gazette appoint in this behalf.

2. Definitions.—In this Act, unless the context otherwise requires:—

(a) «Board» means the Goa, Daman and Diu Khadi and Village Industries Board, established under-section 3.

(b) «Chairman» means Chairman of the Board.

(c) «Government» means the Government of the Union Territory of Goa, Daman and Diu.

(d) «Khadi and Village Industries Commission» means the Khadi and Village Industries Commission established under section 4 of the Khadi and Village Industries Commission Act 1956 (Central Act 61 of 1956).

(e) «Khadi» means any cloth woven on handlooms in India from cotton, silk or wollen yarn handspun in India or from a mixture of any two or all of such yarns; and certified as Khadi by the Khadi and Village Industries Commission Act, 1956.

- (f) «Member» means member of the Board.
 (g) «Prescribed» means prescribed by rules made under this Act.
 (h) «Regulations» means regulations made by the Board under this Act.
 (i) «Vice-Chairman» means Vice-Chairman of the Board.
 (j) «Village Industries» means:—

- (i) All or any of the industries specified in the schedule to the Khadi and Village Industries Commission Act 1956, and includes any other industry deemed to be specified in the said schedule by reason of a notification issued by the Central Government under section 3 of the said Act; and
 (ii) Any other industry specified in this behalf by Government by notification in the Official Gazette in consultation with the Khadi and Village Industries Commission and the Board.

CHAPTER II

Establishment, incorporation and constitution of the Khadi and Village Industries Board

3. Establishment and incorporation of Board.—

(1) With effect from such date as the Govt. may by notification appoint in this behalf, there shall be established a Board to be called the Goa, Daman and Diu Khadi and Village Industries Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire, hold and dispose of property and to contract and do all things necessary for the purpose of this Act.

4. Constitution of Board.— (1) The Board shall consist of not less than fifteen and not more than twentyfive members. The majority of the members shall be non-officials. Only such non-officials as have shown an active interest in the production and development of Khadi or in the development of village industries shall be appointed as members. The appointment of all the members shall however, be made by Government in consultation with the Khadi and Village Industries Commission.

(2) One of the members of the Board shall be appointed by Government as the Chairman of the Board.

(3) Government may appoint one of the other members as the Vice-Chairman who shall exercise such of the powers and perform such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(4) Government shall after consultation with the Board appoint a non-official member other than the Chairman and Vice-Chairman to be the Secretary of the Board.

(5) In the event of any vacancy in the office of a member of the Board by reason of death, resignation or removal, such vacancy shall be filled in by appointment by Government and the member appointed in such vacancy shall hold office for the unexpired term of his predecessor.

(6) The Chairman, Vice-Chairman, Secretary and other members of the Board shall receive such allowances as may be prescribed and all such allowances shall be paid from the fund of the Board.

5. Financial Adviser of the Board.— (1) Government shall appoint a person not being a member to be the Financial Adviser to the Board.

(2) The term of office, the conditions of service and the function of the Financial Adviser shall be such as may be prescribed in consultation with the Khadi and Village Industries Commission.

6. Resignation of office by Member.— Any member may resign his office by giving notice in writing to Government and on such resignation being notified in the Official Gazette by Government, shall be deemed to have vacated his office.

7. Proceedings presumed to be good and valid.— No act or proceeding of a Board shall be questioned or invalidated merely by reason of any vacancy in its membership on account of resignation, death or otherwise, or by reason of any defect in the constitution thereof.

8. Temporary Association of persons with the Board for particular purposes.— (1) The Board may associate with itself in such manner and for such purposes as may be determined by regulations made under this Act, any persons whose assistance or advice it may desire in complying with any of the provisions of this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have the right to take part in the discussion of the Board relevant to that purpose, but shall not have the right to vote and shall not be a member for any other purpose.

(3) Government may, by order, depute one or more officers of the Government to attend any meeting of the Board and to take part in the discussions of the Board but such officer or officers shall not have the right to vote.

9. Meetings of the Board.— (1) The Board shall meet at such times and places and shall, subject to the provisions of sub-section (2) to (4) observe such rules of procedure in regard to transaction of business at its meeting (including the quorum at meetings) as may be provided by regulations made by the Board under this Act. Provided that the Board shall meet at least once in every two months.

(2) The Chairman may, whenever he thinks fit, call special meetings of the Board.

(3) The Chairman or in his absence the Vice-Chairman or if he is also absent, such member as may be chosen by the Members present from among themselves shall preside at a meeting of the Board.

(4) All questions at a meeting of the Board shall be decided by the majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or in his absence the person presiding, shall have a second or casting vote.

(5) The proceedings of the meeting of the Board shall be forwarded to Government and the Khadi Village Industries Commission within fifteen days of every meeting.

10. Terms of Office and conditions of service of Chairman, Vice-Chairman, Secretary and other members of Board.— The term of office and the terms and conditions of service of the Chairman, the Vice-Chairman, the Secretary, and other members of the Board shall be such as may be prescribed.

11. Powers and duties of the Secretary.—The Secretary shall exercise such powers and discharge such duties as may be prescribed or as may, from time to time, be delegated to him by Government or by the Chairman.

12. Officers and servants of Board and conditions of their services.—(1) (a) The Board shall appoint an Executive Officer to manage the affairs of the Board.

(b) The functions, duties and powers of the Executive Officer shall be such as may be fixed by the Board, with the prior approval of Government.

(c) The Executive officer may be a Government servant whose services are placed at the disposal of the Board by Government and if he is a Government servant his remuneration, allowances and other conditions of service shall be such as may be fixed by Government.

(2) The Board may appoint such other officers and servants as it may consider necessary for the efficient discharge of its functions:

Provided that the Board may delegate its powers in this behalf to the Chairman or other members or officers of the Board.

(3) Subject to the provisions of clause (c) of sub-section (1), the remuneration, allowances and other conditions of service of the officers and servants of the Board shall be such as may be determined by regulations.

13. Standing Finance Committee.—The Board may constitute from among the members of the Board a Standing Finance Committee to exercise such powers and perform such functions relating to finances of the Board as may be laid down by Regulations made by the Board.

14. Appointment of other Committees.—Subject to any rules made in this behalf, the Board may from time to time, appoint one or more Committees for the purposes of securing the efficient discharge of its functions and in particular for the purposes of securing that the functions are discharged with due regard to the circumstances and requirements of Khadi or any particular village industry. Such Committees may be appointed for any particular areas.

CHAPTER III

Functions and Powers of the Board

15. Functions of Board.—(1) It shall be the duty of the Board to encourage, organise, develop and regulate khadi and village industries and perform such functions as Government may prescribe, from time to time.

(2) Without prejudice to the generality of the provisions of sub-section (1) the Board shall also in particular discharge and perform all or any of the following duties and functions, namely:—

- (a) to start, encourage, assist and carry on khadi and village industries and to carry on trade or business in such industries and in the matters incidental to such trade or business;
- (b) to help the people by providing them with work in their homes and to give loans and other form of monetary help to individuals or societies or institutions on such terms as may be prescribed;

- (c) to encourage establishment of Co-operative societies for khadi and village industries;
- (d) to conduct training centres and to train people thereat with a view to equipping them with the necessary knowledge for starting or carrying on khadi and village industries;

- (e) (i) to manufacture tools and implements required for carrying on khadi and village industries and to manufacture the products of such industries,
- (ii) to arrange for the supply of raw materials and tools and implements required for the said purposes, and
- (iii) to sell and to arrange for the sale of the products of the said industries;

- (f) to arrange for publicity and popularising of finished products of khadi and village industries by opening stores, shops, emporiums or exhibitions and to take similar measures for the purpose;

- (g) to endeavour to educate public opinion and to impress upon the public the advantages of patronising the products of khadi and village industries;

- (h) to seek and obtain advice and guidance of experts in khadi and village industries;

- (i) to discharge such other duties and to perform such other functions as Government may direct for the purpose of carrying out the objects of this Act.

16. General powers of the Board.—The Board shall, for the purpose of carrying out its functions under this Act, have the following powers, namely:—

- (i) to acquire and hold such movable and immovable property as it deems necessary and to lease, sell or otherwise transfer any such property.

Provided that any lease, sale or other transfer to any person or authority other than the Khadi and Village Industries Commission of any immovable property belonging to the Board shall be null and void unless it is sanctioned by Government.

- (ii) to incur expenditure and undertake any work in any area within its jurisdiction for the framing and execution of such schemes as it may consider necessary for the purpose of carrying out the provisions of this Act, or as may be entrusted to it by Government.

17. Powers to make contracts.—(1) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

(2) Every contract shall be made on behalf of the Board by its Chairman:

Provided that the Chairman may, by an order in writing, delegate his powers in this behalf to the Vice-Chairman or Secretary.

(3) Every contract made on behalf of the Board shall, subject to the provisions of this Section, be entered into in such manner and form as may be prescribed.

(4) A contract not executed in the manner provided in this section and the rules made thereunder, shall not be binding on the Board.

18. **Power of the Khadi & Village Industries Commission to give directions.** — In the performance of its functions under this Act, the Board shall be bound by such directions as the Khadi and Village Industries Commission may give to it from time to time.

CHAPTER IV

Preparation and submission of Programme

19. **Preparation and submission of programmes.** — (1) In each year, on such date as may be fixed by Government, the Board shall prepare and forward to Government a programme of work.

(2) The programme shall contain:—

- (a) Particulars of the scheme which the Board proposes to execute whether in part or whole during the next year;
- (b) particulars of any work or undertaking which the Board proposes to execute during the next year for the purposes of carrying out its functions under this Act; and
- (c) such other particulars as may be prescribed.

20. **Sanction of Programme.** — Government may in consultation with the Khadi and Village Industries Commission approve and sanction the programme in whole or with such modifications as it deems fit.

21. **Supplementary programme.** — The Board may prepare and forward a supplementary programme for the sanction of Government in such form and before such date as Government may prescribe and the provisions of section 20 shall apply to such supplementary programme.

22. **Power of Board to alter scheme.** — The Board may with the previous approval of the Khadi and Village Industries Commission make any alteration in any scheme so long as the aggregate amount sanctioned for the scheme is not exceeded. A report of the alteration shall be sent to Government in such form and within such time as may be prescribed.

CHAPTER V

Finance, Accounts, Audit and Reports

23. **Transfer of property.** — Government may transfer to the Board buildings, land or any other property, whether moveable or immovable, for use and management by the Board on such conditions and limitations as Government may deem fit for the purposes of this Act.

24. **Funds of the Board.** — (1) The Board shall have its own fund and all receipts of the Board shall be credited thereto, and all payments by the Board shall be met therefrom.

(2) The Board may accept grants, subventions, donations and gifts and receive loans from Government or a local authority or any body or association, whether incorporated or not, or an individual for all or any of the purposes of this Act.

(3) All money belonging to the fund of the Board shall be deposited in the State Bank of India or with the agents of the State Bank of India or where there is neither an office of the State Bank of India nor an agent of the State Bank of India, in a Government Treasury or be invested in such securities as may be approved by the Government.

(4) The accounts of the Board shall be operated upon by such officers jointly or individually as may be authorised by the Board.

25. **Application of fund and property.** — All property, fund and other assets of the Board shall be held and applied by it subject to the provisions and for the purposes of this Act.

26. **Subventions and loans to the Board.** — (1) Government may, from time to time, make subventions and grants to the Board for the purpose of this Act on such terms and conditions as Government may determine in each case.

(2) The Board may, from time to time, with the previous sanction of Government and subject to the provisions of this Act and such conditions as Government may determine, borrow any sum required for the purposes of this Act:

Provided that the previous sanction of Government shall not be necessary to borrow any sum from the Khadi and Village Industries Commission.

27. (1) The Board shall, by such date in each year as may be prescribed prepare and submit to Government for approval the budget in the prescribed form for the next financial year showing the estimated receipts and expenditure in respect of khadi and village industries respectively during that financial year. The Board shall forward a copy of the budget to the Khadi and Village Industries Commission for information and remarks if any.

(2) Subject to the provisions of sub-sections (3) and (4) no sum shall be expended by or on behalf of the Board unless such expenditure is covered by a specific provision in the budget approved by Government.

(3) The Board may, within the respective limits of the budget sanction any reappropriation from one head of expenditure to another or from a provision made for one scheme to that in respect of another.

Provided that no re-appropriation from the head «Loan» to any other head of expenditure and vice versa in the budget shall be sanctioned by the Board except with the previous approval of Government and the Khadi and Village Industries Commission.

(4) The Board may within such limits and subject to such conditions as may be prescribed incur expenditure in excess of the limit provided in the budget approved by Government under any head of expenditure or in connection with any particular scheme so long as the aggregate amount in either budget approved by Government is not exceeded.

28. **Supplementary budget.** — The Board may submit a supplementary budget for the sanction of Government in such form and before such date as Government may prescribe and the provisions of section 27 shall apply to such supplementary budget.

29. **Annual Report.** — (1) The Board shall prepare and forward to Government in such manner as may be prescribed an annual report within three months from the end of the financial year giving a complete account of its activities during the previous financial year along with a copy of the annual statement of accounts referred to in section 31.

(2) The Board shall prepare and forward to the Commission an annual report within three months from the end of the financial year giving a complete account of the funds received by the Board from the Commission and the activities carried on by the Board from and out of such fund during the previous financial year.

(3) The report received by Government under sub-section (1) shall be laid before the Goa, Daman and Diu Legislative Assembly as soon as may be after it is received by Government.

30. Returns and Reports. — (1) The Board shall furnish to Government and the Khadi and Village Industries Commission at such time and in such form and manner as may be prescribed or as Government or the Khadi and Village Industries Commission may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of Khadi and Village Industries as Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Board shall, as soon as possible after the end of each financial year, submit to Government a report in such form and before such date as may be prescribed, giving a true and full account of its activities, policy and programme during the previous financial year.

(3) All returns, statements and particulars furnished by the Board to Government under sub-section (1) shall, as soon as possible after they are so furnished be placed on the table of the House of the Legislature.

31. Accounts and Audit. — (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance sheets in such form as may be prescribed.

(2) The accounts of the Board shall be audited by such persons as Government may appoint in this behalf.

(3) The Auditors appointed by the Khadi and Village Industries Commission shall have the right to audit and inspect the accounts of the Board pertaining to the funds advanced by the Khadi and Village Industries Commission.

(4) The person appointed under sub-section (2) shall, in connection with such audit, have rights, privileges and authority, as may be prescribed and in particular, such auditor shall have the right to demand the production of books, accounts, connected vouchers and other documents and to inspect any of the offices of the Board.

(5) The accounts of the Board as certified by such auditor together with the audit report thereon shall be forwarded annually to Government and the Khadi and Village Industries Commission before such date as Government may specify in this behalf.

(6) The Board shall comply with such directions as Government may, after perusal of the report of the auditor think fit to issue.

CHAPTER VI

Miscellaneous

32. Members of Board and officers and servants of Board to be Public Servants. — Members of the Board and officers and servants of the Board shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act to be Public Servants within the meaning of section 21 of the Indian Penal Code.

33. Protection of action taken under this Act. — No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or purported to be done by or under this Act.

34. Power to make rules. — (1) Government may, by notification make rules to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the place at which the office of the Board shall be located;
- (b) the term of office of, and the manner of filling casual vacancies among the members of the Board and the terms and conditions of service of the Chairman, Vice-Chairman, the Secretary and the other members of the Board, including the salaries and allowances to be paid to them and travelling and daily allowances to be drawn by them;
- (c) the disqualifications of membership of the Board and the procedure to be followed for removing a member who is or becomes subject to any disqualifications;
- (d) Powers and duties to be exercised and performed by the Chairman and the Vice-Chairman;
- (e) the conditions subject to which, and the mode in which, contracts may be entered into by or on behalf of Board;
- (f) Constitution of the Standing Finance Committee.
- (g) The procedure to be followed in the performance of functions by members of the Board.
- (h) the powers and duties to be exercised and discharged by the Secretary, the Financial Adviser and the Executive Officer of the Board;
- (i) the date by which and the form in which the budget and the supplementary budget shall be prepared and submitted in each year under sections 27 and 28;
- (j) the procedure to be followed for placing the Board in possession of funds;
- (k) the procedure to be followed and the conditions to be observed in borrowing and in granting loans;
- (l) the form and manner in which the accounts of the Board shall be maintained under section 31;
- (m) the form and manner in which the returns, reports or statements shall be submitted under section 30, and
- (n) any other matter which has to be, or may be, prescribed.

(3) All rules made and all notifications issued under this Act shall, as soon as possible after they are made or issued, be placed on the table of the House of the Legislature and shall be subject to such modification by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

35. Power to make regulations. — (1) The Board may, with the previous sanction of Government, by notification, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:

- (a) the terms and conditions of appointment and service and the scales of pay of officers and servants of the Board other than the Secretary including the payment of travelling and daily allowances in respect of journeys undertaken by such officers and servants for the purposes of this Act;
- (b) the time and place of meetings of the Board, the procedure to be followed in regard to transaction of business at such meetings and the quorum necessary for the transaction of such business at a meeting;
- (c) functions of committees and the procedure to be followed by such committees in the discharge of their functions;
- (d) the delegation of powers and duties to the standing finance committee, secretary or any employee of the Board;
- (e) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to Government and the Khadi and Village Industries Commission;
- (f) the persons by whom and the manner in which payments, deposits and investments may be made on behalf of the Board;
- (g) the custody of moneys required for the current expenditure of the Board and investment of moneys not so required;
- (h) the maintenance of accounts.

(3) Government may, by notification, rescind any regulation made under this section and thereupon, the regulation shall cease to have effect.

36. Dissolution of the Board. — (1) If at any time Government in consultation with the Khadi and Village Industries Commission are satisfied that:

- (a) the Board has, without reasonable cause or excuse, made default in the discharge of its duties, or in the performance of its functions, imposed or entrusted by or under this Act, or exceeded or abused its powers; or
- (b) circumstances have so arisen that the Board is rendered unable, or may be rendered unable, to discharge its duties or perform its functions under this Act; or
- (c) it is otherwise expedient or necessary to dissolve the Board;

Government may, by notification, dissolve the Board for such period as may be specified in the notification and declare that the duties, powers and functions of the Board shall, during the period of its

dissolution, be discharged, exercised and performed, by such person or authority, as may be specified in the notification:

Provided that Government shall, before dissolving the Board, give a reasonable opportunity to it to show cause against the proposed action.

(2) Government shall, before the expiration of the period of dissolution, reconstitute the Board in accordance with the provisions of section 3 and 4.

(3) Government may make such incidental and consequential provisions as may appear to them to be necessary for giving effect to the provisions of this section.

(4) Any notification issued or order made by Government under this section shall not be questioned in any civil court.

(5) On the Board being dissolved under subsection (1):

- (i) all funds and other properties vested in the Board shall vest in Government; and
- (ii) all liabilities, legally subsisting and enforceable against the Board shall be enforceable against Government to the extent of the funds and properties vested in Government under clause (i).

37. Recovery of arrears. — If any amount due to the Board in accordance with the terms of a contract or otherwise or any sum payable in connection therewith, has not been paid, the Board may, without prejudice to any other remedy provided by law, recover such amount or sum as arrears of land revenue.

38. Power to write off losses. — The Board shall be competent to write off losses up to Rs. 500/- in individual cases and not exceeding Rs. 5,000/- in the aggregate in any financial year in cases falling under any or all of the following categories:

- (a) loss of irrecoverable value of stores or of public money due to theft, fraud or such other causes;
- (b) loss of irrecoverable advance other than loans and;
- (c) deficiency and depreciation in the value of stores.

Secretariat
Panjim,
June 8, 1965.

P. B. VENKATSUBRAMANIAN
Secretary to the Government of Goa,
Daman and Diu.

LA/2363/65

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Judicial Officers'
Protection Bill, 1965

(Bill No. 9 of 1965)

A Bill to provide for the protection of Judicial Officers and persons executing the warrants of Judicial Officers.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth year of the Republic of India as follows:

1. **Short title, extent and commencement.** — (1) This Act may be called the Goa, Daman and Diu Judicial Officers' Protection Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. **Non-liability to suit of officers acting judicially, for official acts done in good faith, and of officers executing warrants and orders.** — No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: Provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

3. **Repeal.** — Any law in force in Goa, Daman and Diu or any part thereof corresponding to this Act shall stand repealed as from the coming into force of this Act.

Statement of objects and reasons

The Code of Criminal Procedure has already been brought into force in this Union Territory. It has been decided to extend the Code of Civil Procedure also to this Territory and Parliamentary legislation for this purpose is likely to be introduced shortly. As a consequence of such extension the corresponding provisions of the Portuguese Law in this regard will stand repealed.

One part of the Portuguese Code which is to be repealed grants immunity to Judicial officers in respect of their official acts. It is consequently necessary to provide for the continuance of such protection even after the repeal of the corresponding Portuguese law on the point. The Law Commission which has examined this question has recommended that consequent on such repeal the Judicial Officers' Protection Act of 1850 which is in force in the rest of India should also be extended to this Territory.

Hence this Bill.

Panjim,
June 3, 1965.

TONY FERNANDES
Minister for Law

ASSEMBLY HALL, Panjim,
June 7, 1965.

P. B. VENKATSUBRAMANIAN
Secretary to the Legislative Assembly
of Goa, Daman and Diu

Industries and Labour Department

ORDER

No. LC/3/65

The following Notification of the Government of India in the Ministry of Labour and Employment is hereby reproduced for the information of all concerned.

The Iron Ore Mines Labour Welfare Cess Act, 1961 was extended to the Union Territories of Goa, Daman and Diu with effect from 1st October, 1964.

Notification

New Delhi, dated 20-9-1963.

«S. O. 2791. In exercise of the powers conferred by section 2 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), the Central Government hereby fixes a duty of excise at the rate of 25 Ps. (Twenty five naye paise only) per metric tonne on all iron ore produced in any mine situated in the territories to which the said Act extends and further appoints the 1st October, 1963 as the date with effect from which the said duty shall be levied and collected».

[9(7)61-MIII]

R. C. SAKSENA

Under Secretary to the Govt. of India

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 28th April, 1965.

Mormugão Port Trust

Notification

MPT/IGA/(E.344)/65

As required under Section 124 of the Major Port Trusts Act, 1963, the following amendment which has been adopted by the Board of Trustees is hereby published.

AMENDMENT

The sub-regulation (b) of regulation (2) of the Mormugao Port Employees' (Leave) Regulations, 1964 be as follows: —

“Any employee who was not governed by the Revised Leave Rules, 1933, before the commencement of these Regulations shall be governed by the rules by which he was governed before these Regulations came into force unless he specifically declares to the Board within such time as may be prescribed by the Board that he intends to come under these Regulations. The declaration once made shall be final. Any employee making such a declaration shall be deemed to be governed by these Regulations on and from the date of commencement of these regulations”.

By Order.

Mormugao, 7th April, 1965. — *Shivakumar Dhindaw*, Secretary.

Notification

MPT-IGA (E.682-I)/65

As required under Section 124 of the Major Port Trusts Act, 1963, the following which have been adopted by the Board of Trustees is hereby published:

SUPERANNUATION SCHEME

The Liberalised Pension Rules of the Government of India, *mutatis mutandis*, and as amended from time to time be and are hereby extended to the employees of the Board provided that unless speci-

fically otherwise provided by the Board they shall not apply to:

1 — Employees subscribing to a Contributory Provident Fund.

2 — Employees subscribing to the Portuguese Pension Scheme.

3 — Casual, daily rated or work charged employees.

4 — Contract employees.

Mormugao, 29th April, 1965. — *Shivakumar Dhindaw*, Secretary.